MT LEGISLATIVE HISTORY

Chapter 557 1985

Bill (H) 341 S _____ Original bill & hist. ✓C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	Feb 04	✓C	Hearing Date(s)	Mar 12	✓C
	Feb 05	✓C		Mar 21	✓C
		C			C
		C			C
Date Out	Feb 05	✓C		Mar 21	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

HOUSE BILL NO. 341

INTRODUCED BY MILLER

IN THE HOUSE

January 22, 1985	Introduced and referred to Committee on Judiciary.
February 5, 1985	Committee recommend bill do pass as amended. Report adopted.
February 6, 1985	Bill printed and placed on members' desks.
February 7, 1985	On motion, taken from second reading and rereferred to Committee on Judiciary.
February 16, 1985	Committee recommend bill do pass. Report adopted.
	Bill printed and placed on members' desks.
February 18, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 19, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

February 21, 1985	Introduced and referred to Committee on Judiciary.
March 21, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 23, 1985	Second reading, concurred in.

March 26, 1985	Third reading, concurred in. Ayes, 46; Noes, 4.
	Returned to House with amendments.

IN THE HOUSE

March 27, 1985	Received from Senate.
April 4, 1985	Second reading, amendments concurred in.
April 5, 1985	Third reading, amendments concurred in.
	Sent to enrolling.
	Reported correctly enrolled.

HOUSE BILL NO. 341

INTRODUCED BY Mills

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE CIVIL LIABILITY FOR A PERSON WHO WRONGFULLY STOPS PAYMENT ON A CHECK, DRAFT, OR AN ORDER FOR THE PAYMENT OF MONEY; AMENDING SECTIONS 27-1-717 AND 30-4-403, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-1-717, MCA, is amended to read:

"27-1-717. Issuing a bad check or stopping payment -- civil liability. (1) A person who issues a check, draft, or an order for the payment of money ~~which~~ is liable for damages in a civil action as provided in subsection (2) to the person to whom the check, draft, or order is issued if the check, draft, or order is:

(a) dishonored for lack of funds or credit or because ~~he~~ the issuer has no account with the drawee ~~is liable to the person to whom the check, draft, or order is issued--for damages in a civil action as provided in subsection (2),~~; or

(b) issued in partial or complete fulfillment of a valid and legally binding obligation and the issuer stops payment.

(2) The amount of damages awarded pursuant to subsection (1) shall be an amount equal to the greater of $100 or three times the amount for which the check, draft, or order was issued. However, damages may not exceed the value of the check, draft, or order by more than $500.

(3) The remedy provided by this section is available only if:

(a) the person to whom the check, draft, or order was issued has made written demand, mailed to the last known address or the address shown on the check, to the drawer for payment of the amount of such check, draft, or order not less than 10 days before commencing the action; and

(b) the issuer has failed to tender an amount of money equal to the amount demanded prior to the commencement of the action.

(4) The remedy provided by this section:

(a) may be pursued notwithstanding the provisions of 27-1-312;

(b) may be pursued whether or not a criminal penalty is sought under 45-6-316 or any other statute providing a criminal penalty; and

(c) does not affect the engagement of the drawer provided for in 30-3-413 to pay the amount of the draft. However, in case of any inconsistency with the provisions of Title 30, chapter 3, the provisions of this section apply."

Section 2. Section 30-4-403, MCA, is amended to read:

"30-4-403. Customer's right to stop payment -- burden

INTRODUCED BILL
HB 341

of proof of loss. (1) A Subject to 27-1-717, a customer may by order to his bank stop payment of any item payable for his account but the order must be received at such time and in such manner as to afford the bank a reasonable opportunity to act on it prior to any action by the bank with respect to the item described in 30-4-303.

(2) An oral order is binding upon the bank only for 14 calendar days unless confirmed in writing within that period. A written order is effective for only 6 months unless renewed in writing.

(3) The burden of establishing the fact and amount of loss resulting from the payment of an item contrary to a binding stop payment order is on the customer."

-End-

(To be kept current -- post bills when entering being heard or leaving committee.) Form CS-32

STATUS SHEET

FORTY-NINTH LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 276	1/19/85	2/14/85 2/15/85	2/15/85	2/15/85					
HB 286	1/19/85	1/24/85	1/24/85			1/24/85			
HB 310	1/22/85	2/4/85 2/5/85	2/5/85			2/5/85			
HB 313	1/22/85	2/11/85	(TABLED 2/11/85)						
HB 323	1/22/85	2/5/85 2/4/85	2/5/85			2/5/85			
HB 332	1/22/85	2/5/85	2/5/85			2/5/85			
HB 333	1/22/85	2/5/85	2/5/85	2/5/85					
HB 335	1/22/85	2/5/85	2/5/85			2/5/85			
HB 340	1/22/85	2/5/85	2/5/85			2/5/85			
HB 341	1/22/85	2/4/85 2/5/85	2/5/85			2/5/85			
HB 352	1/22/85	2/5/85	2/5/85	2/5/85					
HB 353	1/22/85	2/6/85	2/8/85	2/8/85					
HB 357	1/22/85	2/6/85 2/14/85	2/14/85		2/14/85 (AS AMENDED)				
HB 363	1/22/85	2/12/85 2/20/85	2/21/85		2/20/85	AS AMENDED			
HB 366	1/22/85	2/14/85 2/16/85	2/16/85		2/16/85				
HB 370	1/23/85	1/31/85	1/31/85		1/31/85				

-20-85

Rep. Addy also stated his concern that perhaps they would be losing more than would be gained with this bill. Rep. Waldron responded by saying that this bill is an effective means for TRO enforcement. He feels that the current TRO procedure does not provide the protection.

In response to a question from Rep. Mercer, Mr. McGrath does not feel that passage of this bill will create more domestic violence. Rep. Waldron also pointed out that the bill does not provide that city judges could issue TRO's. He does, however, feel that the justices of the peace should be given the privilege of doing so.

CONSIDERATION OF HOUSE BILL NO. 341: Rep. Ron Miller, sponsor of this bill, testified before the committee. He stated that this is an act to provide civil liability for a person who wrongfully stops payment on a check, draft or an order for the payment of money. He stated that the Montana Automobile Dealers Association informed him that this is a very severe problem.

George Allen, representing the Montana Retail Association, informed members that the bill passed last session dealing with bad checks had included in it some of the same language as this bill does. This bill is a supplement for a person who deliberately stops payment on a check.

Blake Wordahl, representing the Montana Hardware and Implement Association, testified in support of the bill. He informed the committee that Rep. Bergene's bill which passed last session has definitely helped and he feels this bill will be beneficial as well.

Bob Likewise, representing the Montana Pharmaceutical Association, wished to go on record as supporting this bill.

Also testifying in support of this bill was Tom Harrison.

There being no further proponents or opponents, Rep. Miller closed. The floor was opened up for questioning.

Rep. Addy wanted to know what happens to the guy with a "good faith" dispute. Mr. Harrison thinks the defenses are still present in the statutes. Mr. Harrison said this bill would provide a little "teeth" in that it would penalize the person who wrongfully stops payment of a check.

Rep. Montayne feels that the bill may be a little one-sided.

There being no further discussion, hea ing closed on HB 341.

CONSIDERATION OF HOUSE BILL NO. 323: Rep. Jack K. Moore, sponsor of this bill, testified on its behalf. He said this bill will provide a civil penalty for shoplifting. The bill is very similar to the one that is now in effect in the state of Washington which he understands is very effective. The bill is divided into two parts which he reviewed with the committee.

Blake Wordahl, representing the Montana Hardware and Implement Association, testified on behalf of HB 323. He said that shoplifing is a major crime that retailers are faced with today. He believes that a civil penalty provision will provide another weapon to stop this crime.

George Allen, representing the Montana Retail Association, spoke in favor of this bill. He informed members that there is more merchandise lost in the United States through minor thefts and shoplifting than through major robberies. He feels that passage of this bill would provide a great deterrent to shoplifing.

Bob Likewise, representing the Montana Pharmaceutical Association, testified in support of the bill.

There being no further proponents, Chairman Hannah called the opponents to testify:

Jim Jensen, representing the Montana Magistrates Association, hesitantly opposes the bill. The part of the bill he, in particular, is opposed to deal with the minimum mandatory fines. He feels that passage of the bill may hinder a judge's discretion in particular cases.

There being no further opponents, Rep. Moore closed. He feels that there has to be some way to keep habitual shoplifters from committing a crime. He stated that a mere slap on the hand does not deter the crime of shoplifting.

Rep. Montayne stated his support for this bill and further asked if Mr. Allen has some statistics on amount of goods lost to retailers because of shoplifting. Mr. Allen did not have any figures.

Following further questions, hearing closed on HB 323.

Both Reps. Bergene and Rapp-Svrcek spoke against this amendment. Rep. Rapp-Svrcek feels that these people should have the same rights as other people.

The question was called, and the motion failed with Reps. Hannah, Eudaily, Gould and Keyser voting in favor of the motion.

Rep. Hammond moved that HB 310 DO PASS AS AMENDED. The motion was seconded by Rep. Mercer.

Rep. Mercer proposed an amendment on page 6, line 14 following "~~dismissed~~." insert "terminates upon order of the court or when a final decree is entered or when a petition for dissolution or legal separation is voluntarily dismissed; and (d)". The motion was seconded by Rep. Gould and carried unanimously. Also included in the motion would be to strike "and" on line 11, page 6. The question was called, and the motion carried unanimously.

The question was called on the DO PASS AS AMENDED motion, and it carried with Reps. Addy and Hannah dissenting.

ACTION ON HOUSE BILL NO. 341: Rep. Brown moved that HB 341 DO PASS. The motion was seconded by Rep. Rapp-Svrcek.

Rep. Addy made a substitute motion for a DO NOT PASS. The motion was seconded by Rep. Montayne and discussed. Rep. Addy explained his reasons for not liking the bill. He said there may be a genuine dispute as to the value of a person's services or the validity of a particular contract. To provide for treble damages because someone happens to be wrong about whether or not they should be required to pay for the services when a good faith dispute is going on makes Rep. Addy a little bit nervous.

Rep. Keyser stated that he simply would not pay for the services if the job were done poorly. He feels that this bill would basically be used for criminal acts.

Rep. Mercer spoke on behalf of the bill saying that when a check is written, the recipient is entitled to the money just as if it were actual cash.

Rep. Addy withdrew his motion for a DO NOT PASS. He further moved to amend page 1, line 23 by striking: "where there is no good faith dispute as to the value of the goods delivered or services rendered". The motion was seconded by Rep. Hammond, and the question called. The motion passed with Reps. Montayne and Miles dissenting.

Rep. Brown moved that HB 341 DO PASS AS AMENDED. The motion was seconded by Rep. Hammond and carried with Reps. Montayne and Miles dissenting.

ACTION ON HOUSE BILL NO. 323: Rep. Montayne moved that HB 323 DO PASS. The motion was seconded by Rep. Keyser and discussion followed.

Rep. Brown moved to amend this bill on page 1, line 17 by striking "less than $100 or" and on page 2, line 2 by striking "less than $100 or". The motion was seconded by Rep. Hammond. Rep. Brown feels the amount of the penalty would be left in the court's discretion. He doesn't feel there should be a mandatory penalty. The question was called and the motion to amend carried with Reps. Montayne, Hannah, Gould and Keyser dissenting.

Rep. Hannah moved to amend the bill on page 1, line 9 following "minor" by inserting ", as defined in 20-25-501," The motion was seconded by Rep. Brown and passed unanimously.

Rep. Keyser moved that HB 323 DO PASS AS AMENDED. The motion was seconded by Rep. Brown. Rep. Rapp-Svrcek moved an amendment at this time on page 2, line 3, following $200 by striking the rest of language in its entirety through line 7. The motion was seconded by Rep. Mercer and discussed. Rep. Rapp-Svrcek feels that public or private agencies should not be exempt from the responsibility of a child's actions.

Rep. Gould spoke against Rep. Rapp-Svrcek's amendment. He feels institutions certainly don't need this type of problem. He feels that the people who running group homes are working very hard to keep their kids in line.

Rep. Keyser said feels this amendment would place a big burden on the agencies.

Rep. Krueger made a substitute motion to strike sub-section 2 in its entirety. The motion was seconded by Rep. Addy.

Rep. Montayne feels that the children's parents should be held responsible for their children's actions. This section just provides some "teeth" to the bill.

Rep. Hammond stated his opposition to Rep. Krueger's motion to amend. Rep. Miles also stated her opposition to the amendment. She feels that the parents are already held responsible for the actions of their children. She

STANDING COMMITTEE REPORT

February 5 19 85

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 341

FIRST reading copy (WHITE color)

CIVIL LIABILITY OF PERSON WHO STOPS PAYMENT ON CHECK, DRAFT, OR ORDER

Respectfully report as follows: That HOUSE Bill No. 341

be amended as follows:

1. Page 1, line 23.
Following: "payment"
Insert: ", when there is no good faith dispute as to the value of the goods delivered or services rendered"

AND AS AMENDED,
DO PASS

REP. TOM HANNAH Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

CHAIRMAN--MAZUREK, JOE
SECRETARY-STALEY, CINDY
NORMAL SCHEDULE==> SITE: OLD SUPREME COURT ROOM DAYS: M-TU-W-TH-F TIME: 10:00 A.M.-12 NOON

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0310	2/11	3/11	3/19 3/20	CONCUR AS AMENDED		3/21
WALDRON, STEVE			ABUSED HOUSEHOLD MEMBERS TO OBTAIN SELF-HELP TEMPORARY RESTRAINING ORDER			
HB0323	2/11	3/12		CONCUR AS AMENDED		3/12
MOORE, JACK K.			CIVIL PENALTY FOR SHOPLIFTING			
HB0329	3/04	3/07		CONCUR AS AMENDED	JUDICIARY	3/7
HANNAH, TOM			REVISION OF MECHANICS' LIEN LAW RELATING TO SUPPLIERS AND SUBCONTRACTORS			
HB0329	3/07	3/26	3/26	TABLED		3/28
HANNAH, TOM			REVISION OF MECHANICS' LIEN LAW RELATING TO SUPPLIERS AND SUBCONTRACTORS			
HB0335	2/12	3/05		CONCUR AS AMENDED		3/5
BRADLEY, DOROTHY			ALLOW A COURT TO ORDER FORFEITED BAIL TO BE PAID AS RESTITUTION TO A VICTIM			
HB0340	2/12	3/13	3/20	CONCUR AS AMENDED		3/21
RAMIREZ, JACK			AMENDS LAWS ON DISPOSITION OF PROPERTY ABANDONED BY A TENANT AFTER VACATING			
HB0341	2/21	3/12		CONCUR AS AMENDED		3/21
MILLER, RON			CIVIL LIABILITY OF PERSON WHO STOPS PAYMENT ON CHECK, DRAFT, OR ORDER			
HB0352	2/11	3/12	3/12	CONCUR		3/12
NELSON, RICHARD M.			GIVING DIST. CRTS. JURISDICTION WITH JUSTICES' CRTS IN CERTAIN MISDEMEANORS			
HB0353	2/13	3/15	3/28	TABLED		3/15
NELSON, RICHARD M.			AGGRAVATED BURGLARY IF ENTER OCCUPIED STRUCTURE TO COMMIT AN OFFENSE			
HB0354	2/22	3/22		CONCUR AS AMENDED		3/23
BRANDEWIE, RAY			ABOLISHING STATE LICENSING OF AIRPORTS AND AIR NAVIGATION FACILITIES			
HB0363	3/04	3/18	3/22	CONCUR AS AMENDED		3/23
MARKS, ROBERT L. (BOB)			LIMITING PUNITIVE DAMAGES IN CIVIL ACTIONS			

CONSIDERATION OF HB 352: Representative Richard Nelson, sponsor of the bill, stated this will be a simple bill. It increases the efficiency in the courts. It allows the court to consider certain misdemeanors at the same time as related felonies.

PROPONENTS: None.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: None.

CLOSING STATEMENT: None.

Hearing on HB 352 was closed.

CONSIDERATION OF HB 341: Representative Ron Miller, sponsor of HB 341, testified this is a stop payment bill. There was no opposition from the banks at the House hearing. Texas has a law just like this after which this bill has been modeled. What is happening is a person takes a car into a dealer to get fixed, they get it fixed, pay them with a check, get the car back, and then stop payment on the check. This bill does nothing to the people who legitimately have money in their accounts and have a legitimate complaint with the merchandise. It affects the people who do not have the money in their accounts.

PROPONENTS: Tom Harrison, representing the Montana Automobile Dealers Association, testified the practical utilization of this bill is the defeat of a mechanic's lien that is asserted on the repair of a vehicle or added equipment or parts. The person may have a complaint, but he does not restore the merchandise. This is a civil, punitive attempt to resolve what probably is a criminal act. They are strong in support of this bill and hope it will reduce the number of times any dispute will have to be resolved under these circumstances. George Allen, representing the Montana Retail Association, went on record in support of the bill.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Towe questioned what the situation was where there are not goods delivered or services rendered, such as with payment of a debt. Representative Miller responded he thought that could be treated just like the normal bad check. Senator Towe saw some problems with the bill in that you might have a payment made conditioned on someone else's doing something else. Also, there is nothing about there being money or not being money in the account, so there is no limitation there. Representative Miller stated the bill is

totally addressing if there isn't sufficient money in the account and you can prove that. Senator Towe stated if the stop payment is issued only for the purpose of defeating the mechanic's lien, he thinks it is a good idea. Mr. Allen thought it should be narrowed down, but wanted to point out the intent to defraud was required under the bill.

CLOSING STATEMENT: None.

Hearing on HB 341 was closed.

CONSIDERATION OF HB 566: Representative Fred Thomas, sponsor of HB 566, testified this is an act to restrict installation and use of automatic dial-up security alarm systems. When such a system is triggered, it calls the local law enforcement agency. The law enforcement agency is may be responding but is unable to gain access to the system to turn it off, so the system continues to call the law enforcement office. That could be a real problem if not a headache. If you can't get into the residence to turn off the alarm, it will continue to call. Anyone wanting such a system would have to get permission from the law enforcement agency so they know what's happening.

PROPONENTS: Chuck O'Reilly, Lewis and Clark County Sheriff and President of the Montana Sheriffs' and Peace Officers' Association, spoke in support of the bill. He related an incident where during a power outage several alarms were triggered. Their continuous calling tied up all three emergency lines for 28 minutes. They are not trying to prohibit these systems, but they just want to control them. They will assign a certain number so it will not tie up their rotary system. John Scully, representing the Montana Sheriffs' and Peace Officers' Association, stated the telephone company worked out the proposed amendments before the committee, and he knows of no problems from the industry's standpoint.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: None.

CLOSING STATEMENT: None.

Hearing on HB 566 was closed.

ACTION ON HB 566: Senator Pinsoneault moved HB 566 be recommended BE CONCURRED IN. The motion carried unanimously.

CONSIDERATION OF HB 286: Representative Les Kitselman, sponsor of HB 286, testified this bill takes care of a problem known as theft of utility services. The utilities have to go through the county attorney

PROPONENTS: None.

OPPONENTS: None.

ADDITIONAL TESTIMONY: Jim Jensen, representing the Montana Magistrates Association, spoke neither as a proponent nor as an opponent. He stated the justices are prepared and better trained to handle this than the district judges with the certification bill that came through this committee.

QUESTIONS FROM THE COMMITTEE: None.

CLOSING STATEMENT: None.

Hearing on HB 476 was closed.

FURTHER CONSIDERATION OF HB 341: Senator Towe suggested amending the bill by using the language "with the intent to defeat a possessory lien or otherwise defraud the payee of the check." He stated a possessory lien you obtain because you hold possession of it. If you persuade that person to give up possession for a check and then you cancel the check, he agrees the bill would be proper. Senator Mazurek stated he may have a genuine dispute as to the value of the services rendered. He may stop payment on it, not because he wants to defeat the lien, but because he challenges the amount owing. Senator Daniels stated his opinion is you are having no faith in the criminal law and now you are having a civil penalty. He did not feel the proposed amendment was as good as the original language.

CONSIDERATION OF HB 323: Representative Jack Moore, sponsor of the bill, testified this bill is patterned after the state of Washington. It is a civil penalty for shoplifting.

PROPONENTS: George Allen, representing the Montana Retail Association, spoke in support of the bill. He stated he would like to change this from shoplifting to theft. The public pays for shoplifting because the merchandiser must build it into the cost of doing business, so the business is subsidizing what is going on. He believes this problem is costing megabucks.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Towe asked if we were talking about three different things: the retail value of the goods; if there has been damage, another $100 for the damage; and a penalty of not less than $25 to $200. Representative Moore replied that is not what he

opposition. Senator Towe moved HB 310 be recommended BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HB 781: Senator Daniels moved HB 781 be recommended BE NOT CONCURRED IN. He reasoning was these are misdemeanors, and you can't carry these things on forever. They are not felonies. If the prosecution and the judge don't get along, that is tough. Senator Pinsoneault stated not all of our justices of the peace have legal training, and the state should have a right to appeal from the decision, and he doesn't have that much problem. The motion failed (see roll call vote attached as Exhibit 6). Senator Pinsoneault moved HB 781 be recommended BE CONCURRED IN. The motion carried (see roll call vote attached as Exhibit 7).

ACTION ON HB 476: Senator Blaylock stated the argument was to get these out of the district court because the judge is already too busy and district judges are too light on third offense DUIs. Senator Daniels moved HB 476 be recommended BE CONCURRED IN. The motion carried with Senator Crippen moving in opposition.

ACTION ON HB 341: A proposed amendment was distributed to the committee (Exhibit 8). Senator Towe moved adoption of the amendment. Mr. Petesch explained this would require a fraudulent intent to defeat the lien or to defraud the payee of the check. Senator Towe stated his concern was when there is no good faith dispute, it does not cover all of the amendments, the the amendment covers it. The motion carried unanimously. Senator Daniels moved HB 341 be recommended BE NOT CONCURRED IN AS AMENDED. He thought you were just throwing a lot of things on a county attorney. He has enough to do without all of the commercial transactions. Senator Mazurek stated the idea is to take it off the county attorney and make it a civil offense. Senator Blaylock moved as a substitute motion that HB 341 be recommended BE CONCURRED IN AS AMENDED. The motion carried with Senators Daniels and Shaw voting in opposition.

ACTION ON HB 579: Senator Towe stated there was discussion about what confirmation means on page 2. Senator Mazurek responded they were trying to eliminate the necessity of a confirmation in every instance. Senator Towe stated he was anxious we have something to show that if they do it by telephone, they have something in the file to go back to. Senator Mazurek commented that would be appropriate for rules. Senator Daniels moved HB 579 be amended as follows:

Statement of Intent.
Page 1, line 18.
Following: line 17

PROPOSED AMENDMENT TO HB 341:

Page 1, lines 23 and 24.
Following: "payment" on line 23
Strike: remainder of line 23 through "RENDERED" on line 24
Insert: "with the intent to fraudulently defeat a possessory lien or otherwise defraud the payee of the check"

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 8
DATE 032185
BILL NO. HB 341

STANDING COMMITTEE REPORT

March 21 19 83

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 341

third reading copy (blue color)

(Senator Blaylock)

CIVIL LIABILITY OF PERSON WHO STOPS PAYMENT ON CHECK, DRAFT, OR ORDER

Respectfully report as follows: That HOUSE BILL No. 341

be amended as follows:

Page 1, lines 23 and 24.
Following: "payment" on line 23
Strike: remainder of line 23 through "RENDERED" on line 24
Insert: "with the intent to fraudulently defeat a possessory lien or otherwise defraud the payee of the check"

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXX~~

Senator Joe Mazurek Chairman.